

### REMARKS

Claims 3-7 remain pending in the present application. Claims 1, 2 and 8 have been cancelled. Claims 3, 4 and 7 have been amended. Basis for the amendments can be found throughout the specification, claims and drawings as originally filed.

### SPECIFICATION

The Examiner has objected to the incorporation by reference of the foreign application which is the priority application for this U.S. patent application. Pursuant to MPEP §2163.07, where a non-English foreign priority document under 35 U.S.C. §119 is of record in the application file, Applicant may not rely on the disclosure of that document to support correction of an error in the pending application. *Ex parte Bondiou*, 132 U.S.P.Q. 356 (Bd. App. 1961). This prohibition would apply regardless of the language of the foreign priority documents because a claim for priority is simply a claim for the benefit of an earlier filing date for subject matter that is common to two or more applications, and does not serve to incorporate the content of the priority document in the application in which the claim for priority is made. This prohibition does not apply in a situation where the original application is in a non-English language (37 CFR 1.52(d)), or where the original application explicitly incorporates a non-English language document by reference. (Emphasis added). Applicant believes that all essential material in the foreign application has been included in the specification of the U.S. application. Therefore, pursuant to the Examiner's requirement, Applicant has deleted this incorporation. Applicant reserves the right to correct an error in the present application should prosecution of the application

identify an error of which Applicant is not aware. Withdrawal of the objection is respectfully requested.

The disclosure is objected to because of informalities. The disclosure has been amended to overcome the objection. Withdrawal of the objection is respectfully requested.

#### **REJECTION UNDER 35 U.S.C. § 102**

Claim 1 is rejected under 35 U.S.C. § 102(b) as being anticipated by Figures 4A-4B of the well known prior art. Claim 1 has been cancelled. Reconsideration of the rejection is respectfully requested.

#### **REJECTION UNDER 35 U.S.C. § 103**

Claims 2 and 4 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the well known prior art of Figures 4A-B as applied to Claim 1 above, and further in view of Suzuki, et al. Claim 2 has been cancelled. Claim 4 has been amended to depend from Claim 3 which was indicated as being allowable by the Examiner. Reconsideration of the rejection is respectfully requested.

#### **ALLOWABLE SUBJECT MATTER**

Claims 3 and 5-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 3 and 7 each depended from Claim 2 which depended from Claim 1. Both Claims 3 and 7 have been amended to independent

form to include the limitations of Claims 1 and 2 and claims 1 and 2 have been cancelled. Thus, Applicant believes Claims 3 and 7 are allowable.

Claims 5 and 6 ultimately depend from Claim 3 and are thus believed to be allowable.

Claim 4 has been amended to depend from Claim 3 and is thus believed to be allowable.

### CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: September 15, 2004

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